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Item 4 of the provisional agenda*
Consideration of the draft United Nations Convention against Corruption

Report of the Ad Hoc Committee for the Negotiation of a Convention against Corruption on its first session, held in Vienna from 21 January to 1 February 2002

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* A/AC.261/5.

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I. Introduction

1. In its resolution 55/61 of 4 December 2000, the General Assembly recognized that an effective international legal instrument against corruption, independent of the United Nations Convention against Transnational Organized Crime (resolution 55/25, annex I) was desirable; decided to begin the elaboration of such an instrument in Vienna at the headquarters of the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention; requested the Secretary-General to prepare a report analysing all relevant international instruments, other documents and recommendations addressing corruption and to submit it to the Commission on Crime Prevention and Criminal Justice; and requested the Commission, at its tenth session, to review and assess the report of the Secretary-General and, on that basis, to provide recommendations and guidance as to future work on the development of a legal instrument against corruption.

2. In the same resolution, the General Assembly requested the Secretary-General to convene, upon completion of the negotiation of the United Nations Convention against Transnational Organized Crime and the related protocols, an intergovernmental open-ended expert group to examine and prepare, on the basis of the report of the Secretary-General and of the recommendations of the Commission at its tenth session, draft terms of reference for the negotiation of the future legal instrument against corruption.

3. In its resolution 55/188 of 20 December 2000, the General Assembly reiterated its request to the Secretary-General, as contained in resolution 55/61, to convene an intergovernmental open-ended expert group to examine and prepare draft terms of reference for the negotiation of the future legal instrument against corruption, and invited the expert group to examine the question of illegally transferred funds and the return of such funds to the countries of origin.

4. In its resolution 2001/13 of 24 July 2001, entitled "Strengthening international cooperation in preventing and combating the transfer of funds of illicit origin, derived from acts of corruption, including the laundering of funds, and in returning such funds", the Economic and Social Council requested the intergovernmental open-ended expert group referred to in General Assembly resolution 55/61 to consider, within the context of its mandates, the following issues, inter alia, as possible items of work to be included in the draft terms of reference for the negotiation of a future legal instrument against corruption: (a) strengthening international cooperation in preventing and combating the transfer of funds of illicit origin, including the laundering of funds derived from acts of corruption, and promoting ways and means of enabling the return of such funds; (b) developing the measures necessary to ensure that those working in banking systems and other financial institutions contribute to the prevention of the transfer of funds of illicit origin derived from acts of corruption, for example, by recording transactions in a transparent manner, and to facilitate the return of those funds; (c) defining funds derived from acts of corruption as proceeds of crime and establishing that an act of corruption may be a predicate offence in relation to money-laundering; and (d) determining the appropriate countries to which funds, referred to above, should be returned and the appropriate procedures for such return.

5. Pursuant to General Assembly resolution 55/61, the Intergovernmental Open-Ended Expert Group to Prepare Draft Terms of Reference for the Negotiation of a Future Legal Instrument against Corruption was held in Vienna from 30 July to 3 August 2001 and recommended to the Assembly, through the Commission on Crime Prevention and Criminal Justice and the Economic and Social Council, the adoption of a draft resolution on the terms of reference for the negotiation of an international legal instrument against corruption. The draft resolution was subsequently adopted as Assembly resolution 56/260 of 31 January 2002.

6. In its resolution 56/260, the General Assembly decided that the ad hoc committee established pursuant to resolution 55/61 should negotiate a broad and effective convention, which, subject to the final determination of its title, should be referred to as the "United Nations Convention against Corruption".

7. In the resolution, the General Assembly requested the ad hoc committee, in developing the draft convention, to adopt a comprehensive and multi-disciplinary approach and to consider, inter alia, the following indicative elements: definitions; scope; protection of sovereignty; preventive measures;

criminalization; sanctions and remedies; confiscation and seizure; jurisdiction; liability of legal persons; protection of witnesses and victims; promoting and strengthening international cooperation; preventing and combating the transfer of funds of illicit origin derived from acts of corruption, including the laundering of funds, and returning such funds; technical assistance; collection, exchange and analysis of information; and mechanisms for monitoring implementation.

8. The General Assembly also invited the ad hoc committee to draw on the report of the Intergovernmental Open-Ended Expert Group, on the report of the Secretary-General on existing international legal instruments, recommendations and other documents addressing corruption (E/CN.15/2000/3 and Corr.1), as well as on the relevant parts of the report of the Commission on Crime Prevention and Criminal Justice on its tenth session,[1] and in particular on paragraph 1 of Economic and Social Council resolution 2002/13 as resource materials in the accomplishment of its tasks.

9. The General Assembly requested the ad hoc committee to take into consideration existing international legal instruments against corruption and, whenever relevant, the United Nations Convention against Transnational Organized Crime; decided that the ad hoc committee should be convened in Vienna in 2002 and 2003, as required, and should hold no fewer than three sessions of two weeks each per year; requested the ad hoc committee to complete its work by the end of 2003 according to a schedule to be drawn up by its bureau; and accepted with gratitude the offer of the Government of Argentina to host an informal preparatory meeting of the ad hoc committee established pursuant to resolution 55/61, prior to its first session.

10. The Informal Preparatory Meeting of the Ad Hoc Committee for the Negotiation of a Convention against Corruption was held in Buenos Aires from 4 to 7 December 2001. The Informal Preparatory Meeting held eight meetings.

II. Organization of the session

A. Opening of the session

11. The Ad Hoc Committee for the Negotiation of a Convention against Corruption held its first session in Vienna from 21 January to 1 February 2002, during which it held 20 meetings.

12. Following the election of officers, the Chairman invited the Officer-in-Charge of the United Nations Office at Vienna and the Office for Drug Control and Crime Prevention of the Secretariat to make an opening statement.

13. The Officer-in-Charge of the Office for Drug Control and Crime Prevention stressed that the Ad Hoc Committee was the beginning of a process that would lead to historic action by the international community in the fight against corruption. The task ahead was to equip the world with a broad, comprehensive, functional and effective international instrument that would create or strengthen the capacity of countries to counter corruption. The large number and diversity of the proposals submitted by Governments from all regions were reasons for optimism and demonstrated the keen interest of countries in all parts of the world to making sure that the convention against corruption enjoyed the quality, functionality and universality that were the essential conditions for its widest possible applicability, efficiency and effectiveness.

14. In his opening statement, the Chairman of the Ad Hoc Committee expressed his determination to build consensus and indicated that the draft consolidated text prepared in Buenos Aires was a good point of departure for serious negotiations. The task of the Ad Hoc Committee was to rally together in bringing about a profound change in behaviour and to secure a common commitment against corruption. Despite the fact that for many years the international community had had standards and there had been institutions in place, there was a sense that corruption was gaining ground. The Chairman emphasized that it was necessary to recognize differences and respect cultural legacies, but with the aim of arriving at common denominators for improving the situation. He also advocated the need to affirm certain common ethical principles, as well as to establish a culture of transparency and integrity.

B. Attendance

15. The first session of the Ad Hoc Committee for the Negotiation of a Convention against Corruption was attended by representatives of 97 States. Also attending the first session were observers for United Nations Secretariat units, United Nations bodies and research institutes, specialized agencies and other organizations of the United Nations system, institutes of the United Nations Crime Prevention and Criminal Justice Programme network, intergovernmental organizations and non-governmental organizations. The list of participants is contained in annex I to the present report.

C. Election of officers

16. The Ad Hoc Committee elected the following officers by acclamation:

Chairman: Héctor Charry Samper (Colombia)

Vice-Chairmen: Thomas Stelzer (Austria)
Karoly Bard (Hungary)
Muhyieddeen Touq (Jordan)
Ivan Leslie Collendavelloo (Mauritius)
Abdulkadir Bin Rimdap (Nigeria)
Victor G. Garcia III (Philippines)
Javier Paulinich (Peru)
Peter Redmond Jenkins (United Kingdom of Great Britain and Northern Ireland)

Rapporteur: Anna Grupinska (Poland)

17. The bureau of the Ad Hoc Committee met several times during the first session to consider matters pertaining to the organization of work.

18. The Chairman informed the Ad Hoc Committee that its bureau had decided on the following arrangements, in order to share the work involved in the negotiation of the draft convention:

Preamble and final clauses: Chairman;

General provisions: United Kingdom, assisted by Hungary;

Preventive measures, including the code of conduct contained in the annex: Jordan, assisted by Mauritius;

Articles 19-39, concerning criminalization and liability of legal persons of the draft text: Hungary, assisted by United Kingdom;

Articles 40-50, concerning sanctions and remedies, confiscation and seizures, protection of witnesses and victims, law enforcement cooperation and jurisdiction: Philippines, assisted by Nigeria;

International cooperation: Nigeria, assisted by Peru;

Transfer of funds of illicit origin: Peru, assisted by Austria;

Technical assistance: Mauritius, assisted by Jordan;

Follow-up mechanism: Austria, assisted by Philippines.

19. The bureau had reached this decision on the following understanding:

(a) The negotiation process would remain under the authority of the Chairman;

(b) The Vice-Chairmen would take charge of a particular issue for the purpose of increasing participation and teamwork, as well as of ensuring the advancement of the negotiation process. In that context, the Vice-Chairmen might chair either the plenary or informal consultations on the specific subject matter assigned to them, including engaging interested delegations in informal dialogue in order to attain consensus as necessary;

(c) The Vice-Chairman mentioned first under each subject would take the lead, supported by the Vice-Chairman mentioned second.

D. Adoption of the agenda and organization of work

20. At its 1st meeting, on 21 January 2002, the Ad Hoc Committee adopted the following agenda for its first session:

1. Opening of the first session of the Ad Hoc Committee.
2. Election of officers.
3. Adoption of the agenda and organization of work.
4. Consideration of the draft United Nations Convention against Corruption.
5. Adoption of the report of the Ad Hoc Committee on its first session.

E. Documentation

21. At its first session, the Ad Hoc Committee had before it, in addition to the documents prepared by the Secretariat, documents containing proposals and contributions submitted by the Governments of Algeria, Austria, Azerbaijan, Brazil, Canada, China, the Czech Republic, Egypt, France, Germany, India, Malaysia, Mexico, the Netherlands, Pakistan, Peru, the Philippines, the Russian Federation, Saudi Arabia, Slovenia, South Africa, Spain, Ukraine and the United Kingdom of Great Britain and Northern Ireland. The list of documents is contained in annex II to the present report.

III. Discussion on the draft United Nations Convention against Corruption

22. The Chairman expressed the gratitude of the Ad Hoc Committee to the Government of Argentina for having acted as host to the Informal Preparatory Meeting of the Ad Hoc Committee, held in Buenos Aires in December 2001. He invited the representative of Argentina to report on the results of the Informal Preparatory Meeting.

23. The representative of Argentina informed the Ad Hoc Committee that 56 States had attended the Informal Preparatory Meeting and that 26 proposals had been submitted for consideration. He stressed the functional nature of the meeting, which had aimed at consolidating the various proposals with a view to avoiding duplication. He underlined that the compilation of a consolidated draft text in Buenos Aires should not be perceived as an impediment to submitting further proposals during the negotiations.

24. Before inviting delegations to make general statements, the Chairman encouraged delegations to use the opportunity of their presence at the first session of the Ad Hoc Committee to engage in dialogue, with a view to further streamlining the text of the draft convention.

25. The Chairman also invited delegations to state their positions in relation to specific draft provisions, rather than trying to summarize such views and positions on the entire broad array of matters covered by the draft convention in a general statement.

26. The representative of the Philippines, speaking on behalf of the Group of 77 and China, noted that no country was completely free from corruption and stressed the great importance attached by the members of the Group of 77 and China to the task faced by the Ad Hoc Committee. The Group underscored the importance of creating an effective and binding international legal instrument against corruption that embodied a comprehensive approach and a monitoring mechanism. Such an instrument must establish an internationally binding legal framework encompassing prevention, detection, criminalization, investigation, prosecution and penalization of perpetrators, remedies, rehabilitation and monitoring mechanisms. Likewise, the instrument should address international cooperation and technical assistance among States in their efforts to tackle the problem of corruption. Attention should be given to broadening definitions covering private and public corruption. It was also vital that the new instrument strengthen international cooperation as well as the institutions and the capacity of States to fight corruption, while respecting the sovereignty of States. Moreover, particular attention should be paid to the provisions on exchange of information, lifting banking secrecy in cases where corruption was detected, criteria for determining the country of origin of illicit assets, tracing the transfer of funds of illicit origin, forfeiture and confiscation of proceeds from corruption and shifting the burden of proof. The representative stated that the Group of 77 and China attached great importance to the issue of repatriation of assets of illicit origin. In that connection support was expressed for the proposal by Peru regarding the organization of a seminar in June 2002 to deal with the problems of repatriation of assets of illicit origin. The

representative of the Philippines stressed the importance of maximizing the efficiency of the work of the Ad Hoc Committee by enabling the broadest participation by all Member States. Measures to obtain that objective included making documentation available in advance, avoiding parallel meetings and ensuring availability of interpretation for all meetings of the Ad Hoc Committee. Finally, the representative called on donor countries to provide voluntary contributions for the participation of least developed countries on a non-selective basis.

27. The representative of Spain addressed the Ad Hoc Committee on behalf of the States Members of the United Nations that are members of the European Union and the European Commission. Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Lithuania, Malta, Poland, Romania, Slovakia, Slovenia and Turkey also associated themselves with the statement. The representative of Spain stressed the interest of member States of the European Union in fighting corruption, which was indicated by the proposals several of them had made for the draft convention. The members of the European Union emphasized that the convention should contain both preventive and law enforcement measures, striking a balance between the two types of provisions. They also advocated setting a high global standard, at a level compatible with the principles of existing anti-corruption instruments. In connection with criminalization, the representative stated that account should be taken of existing international legal instruments and that criminal offences and penalties should respect the fundamental principles underlying Member States' legal systems. In that context, he recalled the reservations of the European Union on illicit enrichment. As regards law enforcement measures, it was pointed out that the future convention should cover active and passive corruption in the public sector and corruption of both national and foreign civil servants, including international civil servants. Active and passive corruption in the private sector, as well as trading in influence and accounting offences, should also form part of the negotiations. The States members of the European Union were of the view that the new instrument should cover criminalization of the laundering of proceeds of corruption and should contain provisions on seizure and confiscation as well as international cooperation in that regard. The representative stressed that the important issue of return of illegally acquired assets should be addressed. The provisions of the United Nations Convention against Transnational Organized Crime should be used as the basis for drafting several key elements of the future convention. The European Union was of the view that the future convention against corruption should include binding preventive measures that should reflect the key principles of good governance, integrity and transparency. It was also important to include, in line with the United Nations Convention against Transnational Organized Crime, mechanisms to provide technical assistance to developing countries and countries with economies in transition, as well as the establishment of a monitoring mechanism, which should be effective and flexible.

28. The representative of the Sudan, speaking on behalf of the Group of African States, stated that the scope of the future convention should include all forms of corruption, at the national and international levels, and should include corruption in the public sector as well as in the private sector. The new instrument should also reflect the issues of prevention, detection, investigation, punishment and eradication of corruption, as well as means to facilitate the bridging of differences in legal systems. The members of the African Group attached particular importance to preventing and combating money-laundering and the transfer of funds of illicit origin, as well as to returning illicit funds to the countries of origin. The African Group was disappointed at the fact that the funds currently available to the Secretariat were not sufficient to ensure the participation of all least developed countries in the work of the Ad Hoc Committee. The representative reiterated the importance of effective participation of least developed countries in order to guarantee a truly universal character for the convention and called for voluntary contributions to enable all least developed countries to participate on an equal basis and throughout the negotiation process. The representative of the Sudan recalled the Informal Preparatory Meeting held in Buenos Aires and expressed the hope that the efforts made during that Meeting would have a positive effect on the negotiating process.

29. The representative of Venezuela, speaking on behalf of the Group of Latin American and Caribbean States, thanked the Government of Argentina for hosting the Informal Preparatory Meeting and recalled that on the occasion of that Meeting members of the

Group had submitted substantive proposals, which had been incorporated into the consolidated text of the draft convention (see A/AC.261/3). He recalled that during the Intergovernmental Open-Ended Expert Group to Prepare Draft Terms of Reference for the Negotiation of a Future Legal Instrument against Corruption, held in Vienna from 30 July to 3 August 2001, several elements were identified by the members of the Group of Latin American and Caribbean States for possible inclusion in the new convention, among them measures to prevent and fight the transfer of funds of illicit origin and the laundering of proceeds derived from corruption, as well as measures to facilitate the repatriation of such funds. In that connection, the representative of Venezuela, on behalf of the Group, expressed support for the proposal of the Government of Peru concerning the organization during the second session of the Ad Hoc Committee of a seminar to deal with that issue. The representative reiterated the need for the binding provisions of the future convention to be complemented by measures of technical assistance in order to allow uniform application. It was underlined that the future convention should contain preventive measures as well as provisions on broad international cooperation and mutual assistance. The importance of the involvement of civil society and of the private financial institutions was also underlined. The representative pointed out that it would be advisable to have a schedule of meetings that avoided overlapping between the plenary and informal consultations. Finally, in order to allow the broadest participation in the negotiation process, he suggested that a financing system be established for the participation of least developed countries similar to that followed for the negotiation of the United Nations Convention against Transnational Organized Crime.

30. During the discussion that ensued, numerous representatives expressed their gratitude to the Government of Argentina for having hosted the Informal Preparatory Meeting in Buenos Aires in December 2001.

31. In their statements, several representatives placed emphasis on the need to make possible the attendance of least developed countries at the negotiations in order to produce a truly global and universal instrument and reiterated the call of the representatives of regional groups to donor countries to make resources available to the United Nations to cover the cost of participation of developing countries, in particular least developed countries. In that connection, the representative of Japan announced that his Government had contributed $30,000 to the United Nations Crime Prevention and Criminal Justice Fund for the participation of least developed countries in the work of the Ad Hoc Committee. The representative of France also stated that his Government was considering a voluntary contribution for the same purpose.

32. Several participants welcomed the consolidation of the proposals submitted to the Informal Preparatory Meeting into one text (A/AC.261/3 (Parts I-IV)) and commended the work of the Centre for International Crime Prevention in that connection. Some representatives reiterated the understanding that the Ad Hoc Committee would not limit itself to the options included in the consolidated text but would also consider other proposals presented during the negotiation process.

33. Many representatives expressed the view that the future convention against corruption should be binding, effective, efficient and universal and that it should be a flexible and balanced instrument that would take into account the legal, social, cultural, economic and political differences of countries, as well as their different levels of development. The need to have a convention with clear, precise and realistic provisions that were concretely applicable at the national level was advocated repeatedly.

34. Many representatives also stressed that the future convention should have a multidisciplinary and comprehensive approach and should not only be considered as a criminal law instrument, but should also strike a balance between preventive and law enforcement measures.

35. Some representatives pointed out that the new convention should be developed with full respect for the principles of sovereignty, territorial integrity and non-interference in the internal affairs of States.

36. It was stated that the new convention should be developed taking into account existing international legal instruments against corruption. It was deemed important to ensure that the new convention build on the achievements of those instruments and not set lower standards. Further, it was pointed out that the United Nations Convention against Transnational Organized Crime contained many provisions that encompassed useful solutions and represented

significant achievements, reached by consensus. To the extent possible, the new convention should make full use of those provisions in order to facilitate and expedite the process of negotiation.

37. Several participants indicated that one of the goals of the future convention should be to strengthen the national capacities to fight corruption and enhance international cooperation to prevent, detect, control and eradicate corruption. The view was expressed that the new instrument should focus on international cooperation and, in particular, international judicial cooperation and should not try to tackle corruption at the national level.

38. According to several representatives, the new convention should be a broad-based instrument encompassing all forms of corruption. In particular, reference was made to the need to cover public and private, active and passive corruption, trafficking in influence, international bribery, improper use of state property, obstruction of justice and abuse of power. According to some representatives, the new convention should apply to domestic, foreign and international public officials, whether appointed or elected.

39. The importance of producing clear and precise definitions, in particular of the concepts of "corruption" and "public official", was underlined in many statements. In order to avoid discrepancies in the implementation of the convention, the proposal was to arrive at an autonomous definition of "public official", a definition that did not refer to the domestic law of States. Some delegates emphasized that definitions might vary from chapter to chapter.

40. Prevention was highlighted as a key element of the new instrument. Many representatives stressed the need to strike a balance between prevention and enforcement measures. Some pointed out that those measures should be based on the promotion of integrity, transparency, good governance, fairness and equality before the law. Further, some delegates were of the view that preventive measures would include development of codes of conduct or ethics, an effective and impartial civil service, effective systems for financing political parties; establishment of independent oversight bodies, free and transparent media, transparent public procurement rules and effective regulation of financial systems; denial of the tax deductibility of bribes; promotion of an independent judiciary; and effective implementation of the rule of law. Many delegates expressed the view that, in order to be effective, prevention should address the social and economic roots of corruption. Many representatives also stressed the importance of both the involvement and participation of civil society in preventing corruption and the promotion of public awareness.

41. Several representatives underlined that the preventive measures of the future convention should be binding in order to be effective, while some representatives indicated that those measures should not be of a binding nature and should be tailored to national situations.

42. In relation to criminalization, many representatives stressed the importance of uniform criteria for criminalizing corruption. The need to foresee the liability of legal entities, as well as of establishing appropriate criminal, civil and/or administrative sanctions, both for natural and legal persons was also advocated during the discussion. In the view of some representatives, criminal law measures against corruption would need to include the reversal of the burden of proof and the lifting of bank secrecy. According to some delegates, criminalization of illicit enrichment was also necessary. However, some delegates voiced concern regarding the reversal of the onus of proof, as that would run contrary to constitutional principles or basic principles of domestic law or international obligations and would thus be difficult to envisage.

43. Particular emphasis was placed on the inclusion of provisions of broad international cooperation, including cooperation among law enforcement agencies, exchange of information, training and cooperation in seizure and confiscation. In that connection, several representatives pointed out that the future convention should also provide for technical assistance to developing countries and countries with economies in transition in order to strengthen their institutional capacity to fight corruption and to ensure effective implementation of the convention.

44. Many speakers were of the view that it was essential that the future convention against corruption address in an effective manner the question of the transfer of assets of illicit origin and the need to develop adequate mechanisms and measures to ensure the recovery of such assets. Several representatives highlighted the complex questions related to that

problem and in particular the issue of tracing of funds, the identification of the legitimate beneficiary of funds or assets of illicit origin and the question of title over those funds or assets. In that connection, support was expressed by numerous representatives for the proposal by Peru for the organization, during the second session of the Ad Hoc Committee, of a seminar on the matter.

45. The importance of effective mechanisms for monitoring the implementation of the new convention was emphasized in many statements. It was also pointed out that such mechanisms should have clear and precise tasks and obligations and should be truly effective. According to some representatives, several existing international legal instruments provided useful sources of inspiration in that regard.

46. At the 3rd meeting of the Ad Hoc Committee, on 22 January, the Chairman recalled that, according to its terms of reference, the Ad Hoc Committee was to take into consideration the contributions of non-governmental organizations and civil society, in accordance with United Nations rules and following the practice established by the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime. The Ad Hoc Committee was a body established by the General Assembly and, consequently, followed the rules of procedure of subsidiary bodies of the Assembly.

47. The Chairman indicated that the previous Ad Hoc Committee had admitted non-governmental organizations in consultative status with the Economic and Social Council to its plenary meetings. Informal consultations of every kind (including small working or drafting groups) were designated "closed meetings", that is, only government representatives were admitted. In plenary meetings, observers for non-governmental organizations were allowed to make statements once all representatives had spoken, time permitting. Observers for non-governmental organizations wishing to distribute documents were asked to bring sufficient copies, which would be placed at the documents distribution counter.

48. In view of the nature of the subject matter, it was foreseen that several non-governmental organizations not having consultative status with the Economic and Social Council would approach the Secretariat with requests to submit documentation, participate in the sessions or both. In addition, it was expected that the private sector and national independent bodies would express similar interest.

49. The bureau proposed that the Ad Hoc Committee authorize it to review such requests and decide on a case-by-case basis, within the parameters determined pursuant to General Assembly resolution 56/260. The Ad Hoc Committee approved the proposal submitted by the bureau.

50. The Chairman informed the Ad Hoc Committee that the bureau had received the first such request, from Transparency International, and had decided to allow that non-governmental organization to attend the Committee as an observer.

51. After completion of the general discussion, the Ad Hoc Committee began at its 4th meeting, on 22 January, the first reading of the draft convention against corruption. Having deferred discussion on the preamble at the recommendation of the Chairman, the Ad Hoc Committee completed the first reading of articles 1-39 of the draft convention. The Ad Hoc Committee based its consideration of those articles on the consolidated text contained in document A/AC.261/3 (Parts I and II) and on proposals and contributions made by Governments (A/AC.261/L.2-L.39 and L.42-L.47).

IV. Adoption of the report of the Ad Hoc Committee on its first session

52. On the recommendation of its bureau, the Ad Hoc Committee decided to make every possible effort to complete the first reading of the draft convention at its second session. The proposed organization of work for the second session will reflect that decision.

53. At its 20th meeting, on 1 February 2002, the Ad Hoc Committee adopted the report on its first session (A/AC.261/L.1).

54. Also at its 20th meeting, the Ad Hoc Committee approved the proposal of Peru regarding the organization of a workshop on the question of asset recovery and authorized the Secretariat to organize that workshop for one day during the second session of the Ad Hoc Committee. The purpose of the workshop would be to provide interested participants with technical information and specialized knowledge on the complex issues involved in the question of asset

recovery. Therefore, the workshop would not lead to any formal conclusion. The programme and format of the technical workshop would be finalized by the bureau of the Ad Hoc Committee.

55. At the same meeting, the Ad Hoc Committee approved the provisional agenda and organization of work for its second session, to be held in Vienna from 17 to 28 June 2002 (A/AC.261/L.40).

Notes

[1] *Official Records of the Economic and Social Council, 2001, Supplement No. 10* (E/2001/30/Rev.1).

Annex I

List of participants

States

Algeria	Taous Ferroukhi, Merzak Belhimeur, Linda Briza, Nacer Fellah, Abdelmadjid Mahreche, Mustapha Laharch, Lyazid Mohamed Mehdid, Mohamed Mellah, M'hamed Oualitsene
Angola	F. L. Figueiredo, Antonio Felismino, Antonio Cicero Melo Dias dos Santos, Julio Helder Moura Lucas, Carlos Celestino da Conceição e Silva, Astrigildo Culolo, Orlando Rodrigues
Argentina	Gustavo E. Figueroa, Beatriz Vivas de Lezica
Australia	Annette Willing, Helen Stylianou
Austria	Thomas Stelzer, Johann Froehlich, Helmut Tichy, Michael Postl, Wolfgang Spadinger, Johann Haller, Irene Gartner, Gudrun Zagel, Alexander Wojda
Azerbaijan	Vaqif Sadiqov, Eldar Asgarov, Valentin Cumazade, Rashad Abdullayev, Fikrat Axundov, Faxraddin Qambarov
Belarus	Viktar Gaisenak, Andrei Giro, Olga Zvereva
Belgium	Michel Adam, C. Janssens de Bisthoven, J. S. Jamart, Wouter Boucique
Benin	Anne Cica Adjaï, Fortune Luc Olivier Guezo
Bolivia	Jaime Niño de Guzmán, Mary Carrasco Monje, Miriam Siles Crespo
Brazil	Sergio de Queiroz Duarte, Carlos Roberto Mota Pelegrino, George Rodrigo Bandeira Galindo, Rafael Koerig Gessinger, Renato de Alencar Lima
Bulgaria	Ivan Naydenov, Traiko Spasov
Burkina Faso	Thomas Sanon, Lazare Gansore, Ousmane Traore
Canada	Keith Morrill, Douglas Breithaupt, Reid Cooper
Chile	Raimundo González Aninat, Luis Plaza Gentina
China	Zhang Yishan, Liu Yinghai, Guo Xiaomei, Chen Zhengyun, Zhai Jinrong, Xu Xia, Wang Fan, Zhang Jian
Colombia	Hector Charry Samper, Carlos Eduardo Mejia Escobar, Ciro Arévalo Yepes, Juliana Bustamante Reyes, Carlos Rodriguez Bocanegra, Diana Patricia Mejia Molina
Croatia	Mario Nobilo, Vesna Vuković, Željko Horvatić

Cuba	Jose Ramon Cabanas Rodriguez, Juana Elena Ramos Rodriguez, Julio Cesar Gonzalez Marchante, Fernando del Pino Legon, Ana Ercilla Audivert Coello
Cyprus	Stavros A. Epaminondas, Antonios Theocharous
Czech Republic	Oldrich Krulik, Jaroslav Stepanek
Denmark	Lise Lauridsen, Birte Poulsen, Jes Bisgaard Nielsen
Ecuador	Patricio Palacios, Juan F. Holguín
Egypt	Sameh Shoukry, Iskandar Ghatas, Abdel Meguid Mahmoud, Soliman Abdel Moneim, Mohamed Ahmed Saad, Hazem Mohamed Ahmed Mahfouz, Salah Eldin Zidan Taha, Ahmed Fathalla, Yasser Elatawi
Ethiopia	Siyoum Dagne, Kifle Getachew
Finland	Tom Grönberg, Jaakko Halttunen, Kaarle Lehmus, Antti Kaski
France	Patrick Villemur, Pierre Charasse, Michèle Ramis-Plum, Alexandre Draznieks, Eric Ruelle, Philippe Caillol, Daniel Jacqueme, Claudine Jacob, Catherine Thony Jacques Lajoie, Delphine Lida, Anne Guillou, Emmanuel Meillan
Georgia	Levan Mikeladze, David Zalkaliani, David Kacharava
Germany	Karl Borchard, Hans-Peter Plischka, Manfred Moehrenschlager, Siegrid Jacoby, Jürgen Schmid, Joachim Ziegler, Daniel Ottenberg
Greece	Christos Alexandris, Ekaterini Fountoulaki
Guatemala	Federico Urruela Prado, Sandra Noriega Urizar, Rossana Rivas Godoy
Guinea	Mohamed Lamine Camara, Falcone Francois
Holy See	Leo Boccardi, Ladislav Nemet
Hungary	Istvan Horvath, Attila Zsigmond, Ákos Kara, Henriett Nagy, László Gál, Sándor Virág, Janos Kormos
India	T. P. Sreenivasan, Hamid Ali Rao, Hemant Karkare
Indonesia	Rhousdy Soeriaatmadja, Bambang Prayitno, Harry Purwanto, Haris Nugroho, Ode Rene Mathew Manuhutu
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Jamaica	Michael Hylton

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Kenya	Michael D. Kinyanjui, Florence T. Ochieng
Kuwait	Nabeela Al-Mulla, Bader Al-Mesad, Salah Al-Ben Ali, Zakaria Al-Ansari, Zeiad Al-Anbaie
Lebanon	Samir Chamma, Pierre Kanaan, Caroline Ziade
Libyan Arab Jamahiriya	Said Abdulaati, Faisal Elshaeri, Elbay M. Bashir
Liechtenstein	Patrick Ritter
Lithuania	Jurga Kasputiene
Luxembourg	Jeannine Dennewald
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Malta	N. Buttigieg Scicluna, John Paul Grech, Stephan Tonna Lowell
Mauritius	Ivan Leslie Collendavelloo
Mexico	Patricia Olamendi Torres, Luis Javier Campuzano Piña, Eduardo Hector Moguel Flores, Sandro Garcia-Rojas Castillo, Raúl Carrera Pliego, Julian Juarez Cadenas
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Namibia	Lineekela J. Mboti, Simon M. Maruta
Netherlands	Jaap Ramaker, Dennis de Jong, Michiel P. J. Bierkens, Hans Abma, Maarten Prinsen, Jolien Schukking, Jock Geselschap
New Zealand	J. C. Mosley, Nazla Carmine
Nigeria	Abdulkadir Bin Rimdap, Adelakun Abel Ayoko
Norway	Helga Hernes, Guro Hansson Bull, Berit Tvete, Anne Brodtkorb, Marius Stub, Kjetil Aasland
Oman	Saeed Al-Busaidy, Ali Nasser Seif Al-Bualy, Khamis Salim Khamis Al-Khalili, Jacob Al-Saidy, Mahfoodh Dawood Ali Al-Balushi, Ahmed Al-Hasani, Mohamed Al-Dughaishi
Pakistan	Ali Sarwar Naqvi, Tariq Bashir, Ross Masud, Ahmer Bilal Soofi, Muhammad Kamran Akhtar
Panama	Jorge Enrique Halphen Perez

Peru	Javier Paulinich, Alejandro San-Martin, Fidel Rojas Vargas, Carlos Morelli, Hugo Portugal, Manuel Alvarez Espinal
Philippines	Victor G. Garcia III, Cesar D. Buenaflor, Jose Sonny G. Matula, Mary Anne A. Padua
Poland	Anna Grupinska, Mariusz Skowronski, Agnieszka Stawiarz
Portugal	Carlos Neves Ferreira, Gil Galvão, Maria do Carmo Costa, António Folgado, Vanda Sequeira
Qatar	Abdulla Yousef Almal, Fahd Al Hinzab, Mohammed Alsulaiti, Ahmad Al-Houti, Najat Al-Khalaf
Republic of Korea	Chung Hae-Moon, Han Won-Jung, Paek Kee Bong, Ahn Eun-Ju, Kim Soo-Hyun
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Saudi Arabia	Omar Mohammed Kurdi, Abdulrahim Al-Ghamdi, Abdullah Abdulrahman Al-Yousef, Ahmad Mohammed Al-Khouayter, Hamad S. Al-Natheer, Nayer Mustafa Mossali, Mohammed Ibrahim Al-Hezan, Saleh Abdullah Al-Ghamdi, Mohammed Abdul-Aziz Al Mehizea, Majed Abdul-Mohssen Al Hamid, Saad Khwaji, Saud Al-Mutlaq
Senegal	Ababacar Diop, Doudou Ndir, Felix Oudiane
Slovakia	Alojz Nemethy, Vladimir Kotulic, Oksana Tomova, Jan Malankevic, Marietta Sencáková, Jozef Szabó
Slovenia	Boštjan Penko, Drago Kos, Nina Radulovic, Urban Vehovar
South Africa	A. T. Moleah, A. P. Rapea, I. K. Bodasing, M. Shai, A. J. Du Plessis, M. Lungisa Dyosi, N. S. Schoombie, S. V. Mangcotywa
Spain	Antonio Nuñez García-Saúco, Francisco de Miguel Alvarez, David Melgar, José María de las Cuevas Carretero, Francisco Javier González Ibáñez, Carlos Aránguez Sánchez, Ignacio Baylina Ruiz

Sudan	Abdel Ghaffar A. Hassan, Omer Ahmed Mohamed, Kamal B. Khair
Sweden	Håkan Öberg, Lennart Klackenberg, Åsa Gustafsson
Switzerland	Jacques de Watteville, Heinrich Reimann, Bernard Jaggy, Dieter Cavalleri, Andrea Candrian, Lorenzo Schnyder von Wartensee
Syrian Arab Republic	Safwan Ghanem, Mohamed Onfouan Naeb
Thailand	Karn Chiranond, Chitchai Panichapat, Wanchai Roujanawong, Pongpat Riangkruar, Korbkul Kaewtip, Thanachot Pairoh, Piyatida Chongudomliuk, Suphanvasa Chotikajan, Rongvudhi Virabutr
Togo	Awoki Panassa, Essossimna Legzim
Tunisia	Afif Hendaoui, Emna Lazoghli
Turkey	Aydin Sahinbas, Osman Paksüt, Namik Güner Erpul, Osman Ulukan, Aydin Özbay, Neval Orbay, Jülide Kayihan-Ercin, Rafet Ufuk Önder, A. Metin Eksi, Banu Okumus, Ayfer Aksu
Ukraine	Anatolii Redka, Victor Kryzhanivskyi, Svitlana Pylypets, Valerii Ratsiuk, Oleksii Shovkoplias, Liubov Butenko, Igor Kusnir, Viktoria Kuvshynnykova
United Arab Emirates	Ahmed Rashed Al-Dosari, Ayad Al-Yasiri
United Kingdom of Great Britain and Northern Ireland	Peter Jenkins, Mark Etherton, Nick Coppin, Lisa Witting, Sharon Boyle
United States of America	Elizabeth Verville, Kenneth Brill, Stephen Noble, John Harris, Kathleen Barmon, John Brandolino, David Fisher, Thomas Heinemann, Joe Gangloff, Kenneth Propp
Uruguay	Fructuoso Pittaluga-Fonseca, Elsa Borges, Gustavo Alvarez
Venezuela	Gustavo Márquez Marín, Miriam García de Perez, Ernesto Navazio
Viet Nam	Hoang Van Nha, Nguyen Truong Giang, Tran Dinh Nha, Ha Cong Trong, Nguyen Pham Kim Chi, Pham Van Quang, Vo Van Tuyen
Yemen	Nageeb Ahmed Obeid, Nageeb Ismail Ali
Yugoslavia	Branislav Milinković, Boris Batarilo, Jovica Čekić
Zimbabwe	Clemence Masango, T. J. Kangai, Vova Chikanda, Barbara Chimhandamba

United Nations Secretariat units

Department of Peacekeeping Operations

United Nations bodies

United Nations Development Programme

Institutes of the United Nations Crime Prevention and Criminal Justice Programme network

International Institute of Higher Studies in Criminal Sciences

Specialized agencies of the United Nations system

World Health Organization

Other intergovernmental organizations

Asian-African Legal Consultative Organization, Commonwealth Secretariat, Council of Europe, Council of the European Union, European Commission, Offshore Group of Banking Supervisors, Organization for Security and Cooperation in Europe, Organization of the Islamic Conference, Secretariat of the Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies, Sovereign Military Order of Malta

Non-governmental organizations in consultative status with the Economic and Social Council

General consultative status: International Chamber of Commerce, International Council of Women, International Federation of Business and Professional Women, Soroptimist International, Zonta International

Special consultative status: International Council on Alcohol and Addictions, International Federation of University Women, National Council of German Women's Organizations—Federal Union of Women's Organizations and Women's Group of German Associations, Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs and International Movement of Catholic Students), Socialist International Women

Roster: International Police Association

Other non-governmental organizations

Transparency International

Annex II

List of documents before the Ad Hoc Committee at its first session

Document symbol	*Title or description*
A/AC.261/1	Annotated provisional agenda and proposed organization of work
A/AC.261/2 and Corr.1	Report of the Informal Preparatory Meeting of the Ad Hoc Committee for the Negotiation of a Convention against Corruption, held in Buenos Aires from 4 to 7 December 2001
A/AC.261/3 (Part I)	Draft United Nations Convention against Corruption: preamble and articles 1-18
A/AC.261/3 (Part II)	Draft United Nations Convention against Corruption: articles 19-50
A/AC.261/3 (Part III)	Draft United Nations Convention against Corruption: articles 51-59
A/AC.261/3 (Part IV)	Draft United Nations Convention against Corruption: articles 60-75
A/AC.261/L.1	Draft report
A/AC.261/L.2	United Kingdom of Great Britain and Northern Ireland: proposed article on judiciary integrity
A/AC.261/L.3	Slovenia: proposed article defining corruption
A/AC.261/L.4	Germany: amendment to article 2
A/AC.261/L.5	Ukraine: amendment to article 1
A/AC.261/L.6	Ukraine: amendment to article 2
A/AC.261/L.7	Azerbaijan: amendment to article 2
A/AC.261/L.8	Russian Federation: amendment to article 2
A/AC.261/L.9	Egypt: amendment to article 2
A/AC.261/L.10	China: amendment to chapter II (Preventive measures)
A/AC.261/L.11	South Africa: proposal on acts of corruption
A/AC.261/L.12	China: proposal on the definition of corruption
A/AC.261/L.13	Peru: amendment to article 2
A/AC.261/L.14	Philippines: proposal on protection of sovereignty
A/AC.261/L.15	Saudi Arabia: new article on measures relating to education
A/AC.261/L.16	Czech Republic: proposals on article 2

Document symbol	*Title or description*
A/AC.261/L.17	Azerbaijan: amendment to article 6
A/AC.261/L.18	Spain (on behalf of the States Members of the United Nations that are members of the European Union): proposals on article 5
A/AC.261/L.19	Austria, France and Netherlands: amendment to article 6
A/AC.261/L.20	Austria, France and Netherlands: amendment to article 7
A/AC.261/L.21	Austria, France and Netherlands: amendment to article 10
A/AC.261/L.22	Austria, France and Netherlands: amendment to article 11
A/AC.261/L.23	South Africa: amendments to article 8
A/AC.261/L.24	Austria, France and Netherlands: amendment to article 13
A/AC.261/L.25	Austria, France and Netherlands: proposals on articles 5 and 5 bis
A/AC.261/L.26	Ukraine: amendment to article 2
A/AC.261/L.27	Algeria: proposal on article 6
A/AC.261/L.28	Peru: amendment to article 6
A/AC.261/L.29	China: amendment to article 13
A/AC.261/L.30	Algeria: amendment to article 7
A/AC.261/L.31	Ukraine: amendment to article 2
A/AC.261/L.32	Brazil: amendment to article 7
A/AC.261/L.33	Mexico: amendments to articles 7 and 8
A/AC.261/L.34	Mexico: amendments to articles 9-11, 13 and 15
A/AC.261/L.35	Austria, France, India and Netherlands: amendment to article 6
A/AC.261/L.36	Slovenia: amendment to the proposed article on judicial integrity contained in document A/AC.261/L.2
A/AC.261/L.37	Azerbaijan: amendment to article 10
A/AC.261/L.38	Peru: amendment to article 8
A/AC.261/L.39	Mexico: amendment to article 21
A/AC.261/L.40	Draft provisional agenda and proposed organization of work for the second session of the Ad Hoc Committee for the Negotiation of a Convention against Corruption, to be held in Vienna from 17 to 28 June 2002

Document symbol	*Title or description*
A/AC.261/L.41 and Add.1	Revised draft United Nations Convention against Corruption
A/AC.261/L.42	Malaysia: amendment to article 24
A/AC.261/L.43	South Africa: amendment to article 25
A/AC.261/L.44	Malaysia: amendment to article 25
A/AC.261/L.45	United Kingdom of Great Britain and Northern Ireland: amendment to article 9 bis
A/AC.261/L.46	Canada: amendment to article 30
A/AC.261/L.47	South Africa: amendments to articles 2, 22 and 27
A/AC.261/CRP.1	Paper submitted by Spain concerning the seminar on return of illicit funds as proposed by Peru
A/AC.261/CRP.2	Proposal submitted by Germany on a questionnaire to be distributed in preparation for the technical workshop on the question of asset recovery to be held on 21 June 2002